

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.21040 of 2013

Date of Decision:- 13.10.2015.

Amarjit Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

- 1. Whether Reporters of local papers may be allowed to see the judgment?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present: Mr. Mohit Jaggi, Advocate for the petitioners.

Mr. Rajesh Bhardwaj, Additional A.G. Punjab.

Mr. Shekhar Verma, Advocate for GMADA.

SURYA KANT, J. (ORAL)

1.) The short question that arises for consideration in this case is whether the petitioners are entitled to allotment of a 500 or 400 square yards residential plot in lieu of acquisition of their property situated within the revenue estate of village Lambian?

2.) The case of the petitioners is that their land measuring more than 6 *kanals* i.e. more than 1241 square yards was acquired vide award dated 22.2.1995 and in view the Rehabilitation Policy dated 1.6.2001, they are entitled to allotment of 500 square yard plot

but they have been allotted a plot of 400 square yard only.

3.) The relevant clauses of the aforesaid policy are to the following effect:-

“[i] Rehabilitation scheme for the original residents/ original landowners of village Lambian will be undertaken in Sector 71, SAS Nagar in the area kept as reserved along with the village Mataur.

[ii] xx xx

[iii] The number and area of residential plots to be allotted [based on survey] is as under:-

<i>Sr. No.</i>	<i>Present land holding/land ownership</i>	<i>Area to be allotted</i>	<i>No. of units</i>
<i>1</i>	<i>Upto 100 Sq. Yards</i>	<i>50 Sq. Yards</i>	<i>57</i>
<i>2</i>	<i>101-250 Sq. Yards</i>	<i>100 Sq. Yards</i>	<i>13</i>
<i>3</i>	<i>251-450 Sq. Yards</i>	<i>150 Sq. Yards</i>	<i>4</i>
<i>4</i>	<i>451-601 Sq. Yards</i>	<i>250 Sq. Yards</i>	<i>1</i>
<i>5</i>	<i>605-998 Sq. Yards</i>	<i>300 Sq. Yards</i>	<i>2</i>
<i>6</i>	<i>999-1240 Sq. Yards</i>	<i>400 Sq. Yards</i>	<i>1</i>
<i>7</i>	<i>1241 and above</i>	<i>500 Sq. Yards</i>	<i>1</i>

[vii] In case of commercial plots one Booth of 8'x12' will be allotted to each land owners/original residents having total land under commercial use @ Rs.6000/- per square yard to be paid as per [v] above.

[viii] xx xx

[ix] Land owners will draw the amount of the land compensation already deposited by PUDA in the Court. No more additional compensation due to interest, structure and trees shall be paid for the land by PUDA”.

4.) It may be seen from serial No.7 of clause (iii) that if the

acquired property was 1241 square yards or above, the expropriated owner is entitled to allotment of residential plot of 500 square yards. Since the petitioners have asserted that their acquired land was more than 1241 square yards, we dispose of this writ petition with a direction to the authorities to re-verify their claim and if it is found that the plea taken by them is factually correct, in that event, allot them a plot of 500 square yards instead of 400 square yards.

5.) The needful shall be done within a period of two months.

**(SURYA KANT)
JUDGE**

**(P.B. BAJANTHRI)
JUDGE**

October 13, 2015.

sandeep sethi